

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
OCTOBER 5, 2010
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Councilmember Harrison led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison, and Chan.

1.4 Announcements by Mayor/City Manager

City Manager Fred Diaz, Mayor Wasserman and members of the City Council expressed appreciation in recognition of Community Development Director Jill Keimach's contribution to the City, the community for the past six years and wished her success on her new career path as Town Manager for the Town of Moraga.

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council approved the minutes for the Special and Regular/Work Session Meetings of September 21, 2010

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

*** 2.3 Mayor Wasserman opened consideration of Approval of a Street Improvement Agreement for Construction of Public Street Improvements for Peralta Boulevard**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council approved the Agreement for Public Street Improvements entitled “Improvement Agreement Parcel Map 9835”, with the developer, Peralta Seniors, L.P., and authorized the City Manager, or his designee, to execute the agreement on behalf of the City.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.4 Mayor Wasserman opened consideration of Authorization for the City Manager to Submit an Application to the California Public Utilities Commission to Construct an at-grade Pedestrian/Bicycle and Service Vehicle Railroad Crossing at the UPRR/Mission Creek Junction in the Vicinity of Central Park and Gomes Park and Adopt a Mitigated Negative Declaration for the Project**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council:

1. With respect to the mitigated negative declaration:
 - a. Found that:
 - i. There is no substantial evidence on the basis of the whole record before it that the project as described in the mitigated negative declaration will have a significant impact on the environment.
 - ii. The mitigated negative declaration reflects the independent judgment and analysis of the City of Fremont.
 - iii. The documents constituting the record of proceedings in this matter are in files in the custody of the City Clerk and the Transportation and Operations Department.
 - b. Approved and adopted the mitigated negative declaration.
2. Authorized the City Manager or designee to submit an application to the California Public Utilities Commission for authorization to construct an at-grade pedestrian/bicycle and service vehicle railroad crossing at the UPRR/Mission Creek junction in the vicinity of Central Park and Gomes Park.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.5 Mayor Wasserman opened consideration to Authorize the City Manager, or Designee, to Issue a Purchase Order and Execute Implementing Documents with Tiburon, Inc., for Software Maintenance of Computer-Aided Dispatch, Automated Report Writing, Records Management, Jail Management, and Property System Applications**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council authorized the City Manager, or designee, to issue a purchase order to Tiburon, Inc., and to execute implementing documents for the software support of the Computer-Aided Dispatch, Automated Report Writing, Records Management, Jail Management, and Property System applications in the amount of \$135,220, including sales tax.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

*** 2.6 Mayor Wasserman opened consideration of Key Components of the Framework Plan: Proposed Concept for Improvements to Fremont Boulevard, Urban Design Guidelines and an Approach to Public Parking Policy**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council continued the item to the October 12, 2010 meeting.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

Wynn Grich (A.T.O.W.N.) expressed concern about the potential contamination of local drinking water.

5. SCHEDULED ITEMS

5.1 Mayor Wasserman opened consideration of Continuation of Public Hearing (Published Notice) to Consider an Appeal of a Historical Architectural Review Board (HARB) Determination that an Existing Single-Family Dwelling Located in the Mission San Jose Conservation District is a Potential Register Resource, and of the Accompanying HARB

**Denial of a Request for Permission to Demolish the Subject Structure (PLN2010-00249)
(Continued from September 14, 2010)**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Harrison, the City Council continued the hearing to the October 19, 2010 meeting.

After Item 8.1.1 was considered by Council, and by consensus of the City Council, Mayor Wasserman reopened the public hearing.

City Planner Jeff Schwob provided an overview of the project and outlined the decision process which included two alternative recommendations before the City Council. Mayor Wasserman opened the public hearing. J.P. Mobasher (applicant's agent) presented the applicant's reasons for granting the appeal and finding that the request for the approval of the demolition permit is exempt per Guideline 15301, Demolition of Existing Small Structures. Mr. Mobasher responded to questions from Councilmembers. There were no other speakers. Mayor Wasserman closed the public hearing. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council:

1. Held public hearing; and
2. Found that the request for consideration as to the historic status of the property is exempt from the California Environmental Quality Act (CEQA) per Guideline 15061(b)(3) in that it is not considered a project as defined by Guideline 15378; and
3. Upheld the HARB determination that the subject house is a Potential Register Resource based on the evidence of the historical assessment and deny the appeal, and directed staff to prepare an Environmental Impact Report in accordance with the requirements of CEQA if the applicant chooses to proceed with the request for a demolition permit; and
4. Directed HARB and staff to work with the applicant, if the applicant, chooses to submit a new application for alteration of the structure wherein the front and south facades for the structure and the water tower be retained to maintain the historic integrity of the property, and that any additions or alterations be consistent with Mission San Jose Conservation District guidelines; and
5. Further directed staff to implement some cautionary steps to avoid further deterioration of the structure if no activity occurs.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS – None.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

8.1.1 VICE MAYOR WIECKOWSKI REFERRAL: Request that City Council Direct Staff to Analyze Feasibility of Regulating Single Use Bags

Vice Mayor Wieckowski provided an overview of his referral to direct staff to identify environmental assessment work that would be needed along with estimated budget and timeline and analysis of the benefits and implementation issues associated with regulating single use bags on both retail and wholesale providers. A question and answer period followed. Councilmembers provided comment. Mayor Wasserman opened the item for public comment. Allison Chan (Save The Bay) expressed support for banning single use plastic bags. There were no other speakers. Mayor Wasserman closed public comment.

By consensus, staff was directed to analyze the feasibility of regulating single use bags and bring this information back to Council on November 9, 2010.

8.2 Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities.

9. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 8:25 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor